

1954

Feb. 18

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SEP 22 1998

CONCORD, N.H.

Mr. D. E. Richards
Director of Admissions
University of New Hampshire
Durham, New Hampshire

Dear Mr. Richards:

Under date of February 11, 1954, you have forwarded to this office a copy of a letter from one of your junior students and inquire whether on its basis the student may be deemed a resident for tuition purposes.

There is, of course, nothing to prevent a student of 21 years from establishing a bona fide residence in this State. There is, however, a presumption in law that a residence once shown to exist continues to exist. To overcome this presumption and thus to show a change in residence there must be introduced credible evidence of sufficient weight to persuade a finding of change.

Whether the classification authority shall find such measure of evidence in the letter of the student is a matter for its own determination.

The student advises that he is of full age, and that he has made his permanent home in Manchester. The latter phrase -- if believed by the Committee -- is sufficient to prove residence. But the phrase embodies a conclusion of law -- presumably based on facts concerning the nature of his "permanent home" which facts are not presented to the Committee. The Committee may well, then, logically and in the exercise of prudence, desire to inquire into the facts upon which the student's conclusion is based in order to determine if such conclusion is properly supported. If it be found that the student has an abode in Manchester, chosen upon factors other than as a mere device to secure a resident tuition rate, an abode which he intends to maintain as his home without a fixed intention of leaving it upon graduation, then the Committee may find that the presumption of continuance of residence is overcome.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEN:RM